

SEALED DATA

Katz v. National Board of Medical Examiners et al

Filing 117

ORDER (memorandum filed previously as separate docket entry). In accordance with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:1.The plaintiffs motions to compel and for a protective order (Doc. 74; Doc. 77; Doc. 80; Doc. 90) are DENIED;2.T he defendants motion to compel and for a protective order (Doc. 79) is GRANTED in part and DENIED in part, as follows:a.The plaintiffs objections to the defendants proposed subpoenas are OVERRULED, subject to the following protective measures:i.The d efendants shall mark any records received from third-parties in response to the subpoenas at issue in these motions as CONFIDENTIAL;ii.Documents marked CONFIDENTIAL in accordance with the preceding paragraph shall be used in this litigation only; and iii.The Court shall retain jurisdiction to impose sanctions against the parties or their counsel in the event of noncompliance with this Order;b.The plaintiff shall promptly sign the requested authorization forms and return them to defense counsel wi thin seven (7) days of the date of this Order; andc.The defendants objections with respect to Katzs request for the production of confidential personal records of five current or former NBME employees are SUSTAINED;3.Briefing with respect to the defe ndants motion for summary judgment (Doc. 105) is STAYED for a period of sixty (60) days to permit service of the subpoenas duces tecum and response thereto by the third-party recipients, at the conclusion of which time the defendants shall file an am ended brief in support of their motion, an amended statement of facts, and any supplemental exhibits in support of the motion, and the plaintiff shall file his response to the motion and supporting materials within twenty-one (21) days after service of the amended brief in support; and4.The parties shall bear their own costs incurred in connection with these motions, as an award of expenses to the defendants would be unjust in light of the plaintiffs indigence. See Fed. R. Civ. P. 37(a)(5); see also Fed. R. Civ. P. 26(c)(3).Signed by Magistrate Judge Joseph F. Saporito, Jr on 5/10/16.
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